



US Army Corps  
of Engineers

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

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RESPONSE REQUIRED BY: 15 April 2002

Regulatory Branch  
333 Market Street  
San Francisco, CA 94105-2197

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1. **INTRODUCTION:** Basin Street Properties (BSP), 1318 Redwood Highway, Suite 140, Petaluma, California 94975-8030, through its agent Huffman & Associates (Terry Huffman; 415-925-2000), has applied to the Corps of Engineers (USACE) for a Department of the Army Permit to discharge fill material into jurisdictional wetland areas to facilitate construction of the Redwood Technology Center, in the City of Petaluma, Sonoma County, California. This individual permit application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. **PROJECT DESCRIPTION:** As shown in the attached drawings, BSP is proposing to construct an office, research, and development campus on a 30.6-acre site bordered by Old Redwood Highway to the north, industrial development to the south, North McDowell Boulevard to the east, and the Highway 101/Old Redwood Highway interchange to the west. The site is presently subdivided into three parcels, two of which are unimproved pasturelands. Development on the northern parcel, Parcel A, would include two, three-story office buildings, 54,500 and 58,000 square feet in size, and a single-story restaurant 7,500 square feet in size. Bordering Highway 101, Parcel B would contain two, three-story office buildings, 60,000 and 90,000 square-feet in size, connected by an elevated walkway between the second floors. To satisfy CEQA requirements for analyzing the effects of total site build-out, the development scenario for Parcel C assumes the construction of several commercial facilities unrelated to the Technology Center. Under this development scenario, the existing theatre and parking facilities (Pacific Theaters Cineplex) would be demolished to accommodate a big-box single-story retail building 158,000 square feet in size, a single-story restaurant 11,800 square feet in size, and a single-story commercial/retail building 23,700 square feet in size. The overall project would include approximately 1,725 parking spaces partially contained in a parking structure, vehicular circulation and access from North McDowell Boulevard, landscaping, and appurtenant utility systems, including sewer, storm-drainage, water, gas and electric, and telephone lines.

The overall project would occupy approximately 29 acres of the site and require extensive excavation and removal of soils unsuitable for construction purposes, grading and compaction of remaining subsoils, and placement of new base material for pavement and building pads. These construction activities

would require the importation and discharge of approximately 24,500 cubic yards (cys) of fill material into 5.06 acres of seasonal and perennial wetlands to establish final grade elevations two feet above the 100-year flood level. To compensate for the permanent loss of wetland habitat associated with project construction, BSP is proposing to preserve or enhance 0.44 acre of existing wetlands on-site, to create 0.99 acre of wetlands on-site, and to create 6.60 acres of wetlands at an off-site location within the same watershed area (Figure 5).

3. **PURPOSE AND NEED:** BSP indicates the overall purpose of the project is to develop a self-sufficient technology center that would generate an array of employment opportunities in the research, business, and retail fields. Inherent in the project purpose is the objective of creating a corporate campus on Parcels A and B with convenient freeway access and visibility to entice the relocation of a major employer to the region. BSP further indicates there is a shortage of commercial space in the City of Petaluma and excess labor capacity in the region that is accommodated by a substantial out-commute. The project is generally consistent with existing zoning ordinances and land use policies stipulated in the Petaluma General Plan that promotes new development compatible with the city's retail base, seeks additional sources of sales tax revenue, and preserves the existing tax base by capturing local dollars that are currently spent elsewhere.

4. **SITE DESCRIPTION:** The site is relatively flat with elevations ranging from 29.9 feet MSL to 34.0 feet MSL. Surface drainage is directed southward across the site to the Holm Road Ditch bordering Highway 101 and ultimately discharging into Corona Creek and the Petaluma River. As previously indicated, Parcel C has been partially developed by the theater and parking facilities. All remaining areas of the site are pasturelands that have been disturbed by the placement of imported fill material that tends to intercept and impede runoff, and by periodic tilling and mowing activities.

The predominant upland areas contain many non-native species of grasses and forbs but are typically characterized by dense stands of perennial ryegrass (*Lolium perenne*) and Mediterranean brome (*Hordeum hystris*). Other common species occurring in these upland areas include wild oats (*Avena fatua*), ripgut brome (*Bromus rubens*), curly dock (*Rumex crispus*), crane's-bill (*Geranium dissectum*), bristly oxtongue (*Picris*



*echioides*), common vetch (*Vicia sativa*), field butter-cup (*Ranunculus arvensis*), and field bindweed (*Convolvulus arvensis*).

Seasonal wetlands (5.5 acres) occur throughout the site in depressional areas that become fully saturated or ponded during the rainy season. The seasonal wetlands are characterized by tall flatsedge (*Cyperus eragrostis*), curly dock, perennial ryegrass, Douglas' meadow-foam (*Limnanthes douglasii*), rabbit-foot grass (*Polypogon monspeliensis*), semaphore grass (*Pleuropogon californicus*), and other non-native wetland indicator species. The Holm Road Ditch (0.40 acre) and a tributary ditch (0.08 acre) bordering Parcels B and C are perennial wetlands characterized by a scoured channel and intermittent stands of narrow-leaf cattail (*Typha angustifolia*) and/or arroyo willow (*Salix lasiolepis*).

**5. PROPOSED MITIGATION MEASURES:** BSP is proposing an array of mitigation measures to compensate for wetland losses attributed to project construction. On-site mitigation would include the creation of 0.99 acre of seasonal wetlands by back-grading portions of the eastern bank of Holm Road Ditch and excavating adjacent upland areas at three primary locations. In turn, these excavated depressional areas would become seasonally saturated or ponded within the expanded floodway of the Holm Road Ditch. An existing 0.44 acre of seasonal wetlands bordering the Holm Road Ditch would be preserved; of this area, 0.39 acre of seasonal wetlands would be enhanced through excavation to lower the existing ground elevation, thereby increasing the hydro-period and water storage capacity of the existing wetlands. Willow sprigs obtained from on-site sources would be planted at selected locations to provide greater habitat diversity for wildlife.

Off-site mitigation would entail the creation of 6.6 acres of seasonal wetlands on portions of a 26-acre site located 0.85 mile north of the project site and east of the Northwestern Railroad tracks. An unnamed intermittent tributary to Lichau Creek and the Petaluma River traverses the northern portion of the mitigation site that would be utilized for wetland creation purposes. The overall site is pastureland extensively grazed by cattle. The pasturelands are dominated by several upland grass species, including wild oats, perennial ryegrass, barely, and brome. The drainage is characterized by a scoured channel partially vegetated by wetland plant species, such as penny-royal (*Mentha pulegium*), rabbit-foot grass, curly dock, cattails, and creeping spikerush (*Eleocharis macrostachya*). Wetland creation would be accomplished by excavating and sculpting uplands in proximity to the drainage feature to establish a series of swales and depressional areas subject to increased saturation or ponding from runoff.

The establishment of wetland vegetation on the enhanced and created wetland areas is presumed to occur by seed

dispersal and colonization from the adjacent wetland areas; however, planting or seeding would take place if wetland plant colonization were deemed to be unsuccessful after three growing seasons. Annual maintenance and monitoring of the enhanced and created wetlands would be performed for a minimum five-year period or until specific performance criteria were attained. These on-site and off-site wetland areas would be protected in perpetuity via deed restrictions to be recorded with the County of Sonoma.

**6. STATE APPROVALS:** State water quality certification or waiver is a prerequisite for the issuance of a Department of the Army Permit to conduct any activity which may result in a fill or pollutant discharge into waters of the United States, pursuant to Section 401 of the Clean Water Act (33 U.S.C. 1341). BSP is hereby notified that, unless the USACE is provided a valid request for water quality certification by the Regional Water Quality Control Board (RWQCB) within 30 days of the date of this Public Notice, the District Engineer may consider the permit application to be withdrawn. No Department of the Army Permit will be issued until the BSP obtains the required certification or waiver. A waiver will be explicit, or it may be presumed if the RWQCB fails or refuses to act on a valid request for certification within 60 days after receipt, unless the District Engineer determines a shorter or longer period is a reasonable time for the RWQCB to act.

Water quality issues should be directed to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612, by the close of the comment period.

The project is not subject to the jurisdictional purview of the San Francisco Bay Conservation and Development Commission or the California Coastal Commission.

## **7. COMPLIANCE WITH VARIOUS FEDERAL LAWS:**

**National Environmental Policy Act of 1969 (NEPA):** At the conclusion of the public comment period, the USACE will assess the environmental impacts of the project in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), the Council on Environmental Quality's Regulations at 40 CFR 1500-1508, and USACE Regulations at 33 CFR 230 and 325. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of the USACE and other non-regulated activities the USACE determines to be within its purview of Federal control and responsibility to justify an expanded scope of analysis for NEPA purposes. The final NEPA analysis will be incorporated in the decision documentation that provides the rationale for issuing or denying a Department of the Army Permit for the project.



Project construction would result in the loss of seasonal and perennial wetlands on-site and various aquatic functions typically associated with wetland ecosystems, including ground water recharge and discharge, floodwater storage and desynchronization, sediment and toxicant retention, nutrient retention and transformation, and habitat for wildlife.

**Endangered Species Act of 1973 (ESA):** The California Natural Diversity Data Base was reviewed for records of occurrences of special status animals, plants, and natural communities that have been reported in the project vicinity. No federally-listed threatened or endangered species are known to occur on site or in the project vicinity. Focused surveys performed on site did not reveal the presence of other special status animals or plants.

The project site does not occur within designated critical habitat for California red-legged frog or Central California Coast steelhead, since the drainage channels lack constituent habitat elements necessary for spawning and rearing. Based on a review of this information, the USACE has made a preliminary determination that the project would not affect federally-listed threatened or endangered species or designated critical habitat.

**Magnuson-Stevens Fishery Conservation and Management Act of 1996 (MSFCMA):** The project site does not occur with designated essential fish habitat for the Pacific Salmon Fishery, since the drainage channels lack constituent habitat elements necessary for spawning and rearing.

**National Historic Preservation Act of 1966 (NHPA):** Based on a review of existing survey data on file with various City, State, and Federal agencies and an focused evaluation of the site performed in 1999, no historic or archaeological resources are known to occur on site or in the project vicinity. Standard construction-related measures to preserve such resources would be employed if buried artifacts or other archaeological resources were exposed during excavation and grading operations. If unrecorded historic or archaeological resources were discovered during construction, such operations would be suspended until the USACE concluded Section 106 consultation with the State Historic Preservation Officer to take into account any construction-related impacts to these resources.

**8. COMPLIANCE WITH THE 404(b)(1) GUIDELINES:** Projects resulting in dredged or fill material discharges into waters of the United States must comply with the Guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. 1344(b)). An evaluation pursuant to the Guidelines indicates the project is not dependent on location in or proximity to waters of the United States to achieve the basic project purpose. This conclusion raises the (rebuttable) presumption of the availability of a less environmentally damaging practicable alternative to the project that does not require the discharge of

dredged or fill material into special aquatic sites. BSP has submitted an analysis of project alternatives to be reviewed for compliance with the Guidelines.

**9. PUBLIC INTEREST EVALUATION:** The decision on whether to issue a Department of the Army Permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the project and its intended use on the public interest. Evaluation of the probable impacts requires a careful weighing of the public interest factors relevant in each particular case. The benefits that may accrue from the project must be balanced against any reasonably foreseeable detriments of project implementation. The decision on permit issuance will, therefore, reflect the national concern for both protection and utilization of important resources. Public interest factors which may be relevant to the decision process include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

**10. CONSIDERATION OF COMMENTS:** The USACE is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the project. All comments received by the USACE will be considered in the decision on whether to issue, modify, condition, or deny a Department of the Army Permit for the project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, and other environmental factors addressed in a final Environmental Assessment or Environmental Impact Statement. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the project.

**11. SUBMITTING COMMENTS:** During the specified comment period, interested parties may submit written comments to the San Francisco District, Regulatory Branch, North Section, citing the applicant's name and Public Notice Number in the letter. Comments may include a request for a public hearing on the project prior to a determination on the permit application; such requests shall state, with particularity, the reasons for holding a public hearing. All comments will be forwarded to BSP for resolution or rebuttal. Additional information may be obtained from BSP or by contacting Mr. Peter Straub of the Regulatory Branch at telephone 415-977-8443.